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COMMISSION ON HUMAN RIGHTS
Inter-sessional open-ended working group
for the elaboration of a draft optional
protocol to the Convention on the Rights
of the Child on the sale of children,
child prostitution and child pornography
Fourth session
19-30 January 1998

COMMENTS ON THE REPORT OF THE WORKING GROUP

Note by the Secretary-General

Addendum

The present document contains comments submitted by the Organization for Economic Cooperation and Development and the non-governmental organization End Child Prostitution in Asian Tourism, Australia.

GE.98-10076 (E)

Organization for Economic Cooperation and Development

[Original: English]
[27 May 1997]

The OECD submitted an extract of the communiqué of the meeting of the Council at Ministerial Level reading as follows:

"The OECD Council at Ministerial Level met on 26-27 May 1997, under the chairmanship of Mr. Jean Arthuis, Minister of Economy and Finance (France), assisted by the vice-chairs from Mexico and the Czech Republic, to discuss the issues of sustainable growth and social cohesion, multilateral trade and investment liberalization, and the role and evolution of the OECD in a globalizing work economy.

"...

"18. Bearing in mind the great potential of the Internet, Ministers looked forward to the results of the study being undertaken in the OECD to compare national legislation and policies concerning the Internet, recognizing the important advisory role of the private sector, and to identify areas in which international cooperation may be needed. Ministers also strongly condemned the dissemination on the Internet of child pornography and information that promotes child abuse. They urged that this abhorrent and unacceptable misuse of the Internet be addressed immediately including in the appropriate international organizations."

End Child Prostitution in Asian Tourism

[Original: English]
[28 November 1997]

1. ECPAT Australia would like to express concern over the current discussions in the working group on expanding the scope of the draft optional protocol to include other forms of child trafficking (e.g. for sale of organs); This would appear to be in direct contrast to the original "spirit" of the optional protocol which was born from international outrage over the growth of commercial sexual exploitation of children. Child trafficking for other purposes and other forms of child abuse outside this remit are indeed horrendous abuses of children's rights and need to be addressed at the international level. However, to broaden the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to include such abuses would delay the implementation of the optional protocol and pose a threat to its global acceptability. ECPAT Australia strongly advises the working group to limit the scope of the draft optional protocol to address the commercial sexual exploitation of children.

2. ECPAT Australia is concerned that the working group is not utilizing the internationally recognized Stockholm Declaration and Agenda for Action for guidance in development of the text and intent of the optional protocol. Now accepted by Governments round the world as a framework for action on national planning to prevent the commercial sexual exploitation of children, the Agenda

for Action is pivotal and should be incorporated into the working group process. Governments and non-government agencies from around the world gave input into the Agenda for Action and it was unanimously agreed upon by government representatives from 122 countries at the World Congress Against Commercial Sexual Exploitation of Children held in Stockholm in 1996.

3. ECPAT Australia is concerned that without the addition of a time-frame for completion of the draft optional protocol process, the working group and the optional protocol will become outdated. In the past 12 months many new initiatives have arisen to combat child prostitution and child pornography. With increasing awareness and support from Government and non-government agencies across the world, the global campaign to end the commercial sexual exploitation of children is challenging the forces that lead children into exploitation. Much more needs to be done but in meeting only once a year with an open-ended time-frame, the working group stands to lose its impetus. The Stockholm Agenda for Action has an implementation goal of 2001. This could also be an appropriate year for the working group to come to a final agreement on the draft optional protocol. ECPAT Australia suggests that the Working Group add a time-frame for completion and implementation.

4. ECPAT Australia is concerned that the current working group process, in particular the working method, is unwieldy and is responsible for delaying the process of agreement and acceptance of the draft optional protocol. ECPAT Australia suggests that a more effective and time-efficient process be investigated.

5. ECPAT Australia fully supports any initiative that will bring an end to the commercial sexual exploitation of children around the world.